

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00
H-01 INR-10 INT-05 IO-13 JUSE-00 L-03 NSAE-00
NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02
SS-15 ICA-11 /148 W
-----072391 271859Z /75

R 271639Z APR 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 6280
INFO AMEMBASSY BONN
AMEMBASSY COPENHAGEN
AMEMBASSY HELSINKI
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY REYKJAVIK
AMEMBASSY STOCKHOLM
USMISSION USNATO
USNMR SHAPE

C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 08268

USEEC

E.O. 11652: GDS
TAGS: EEC, NO, UR, SV, PBOR, EFIS
SUBJ: EC/NORWEGIAN FISHERY NEGOTIATIONS: THE SVALBARD
ELEMENT

REF: (A) OSLO 1323, (B) BRUSSELS 8248

1. DURING RECENT CONVERSATIONS WITH MISSION OFFICER
CONCERNING EC/NORWAY FISHERY NEGOTIATIONS, EC COMMISSION
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FISHERY OFFICIALS (MARCUSSEN AND FARNELL) AND UK PERMREP
FISHERY OFFICIAL (FAIRWEATHER) OFFERED SPECIFIC INFORMAL
COMMENT ON EC POSITION CONCERNING SVALBARD.

2. MARCUSSEN OBSERVED THAT WHILE ONE EC OBJECTIVE IS TO
SUPPORT NORWEGIAN POSITION IN SOVIET/NORWEGIAN TALKS ON
FISHERIES PROTECTION AROUND SVALBARD (REF A), THE

COMMUNITY ITSELF DOES HAVE PROBLEMS WITH ELEMENTS OF NORWEGIAN POSITION ON EC ACCESS TO SVALBARD FISHERY PROTECTION ZONE (FPZ) IN CONTEXT OF BILATERAL EC/NORWEGIAN FISHERY NEGOTIATIONS (SEE REF B FOR ACCOUNT OF APRIL 24 EC FISHERY COUNCIL DISCUSSION OF EC/NORWEGIAN FISHERIES). MARCUSSEN SAID THAT THE EC PARTICULARLY OBJECTS TO NORWEGIAN ATTEMPTS TO LINK EC CATCH LEVELS IN THE SVALBARD FPZ WITH CATCH LEVELS IN NORWEGIAN WATERS. HE POINTED OUT THAT THE SVALBARD ISSUE IS A DIFFICULT ONE FOR THE COMMUNITY TO DEAL WITH, SINCE SEVERAL EC MEMBER STATES ARE SIGNATORIES TO THE SVALBARD CONVENTION AND THEREFORE RETAIN NATIONAL COMPETENCE FOR DECISIONS AFFECTING THE AREA.

3. FAIRWEATHER POINTED OUT THAT THE COMMUNITY HAS SUCCESSFULLY KEPT ALL MENTION OF SVALBARD OUT OF BOTH THE DRAFT EC/NORWAY FRAMEWORK AGREEMENT AND THE PROPOSED AGREEMENT ON 1978 QUOTAS (REF B) AND SAID THIS REFLECTS COMMUNITY DESIRE THAT THERE SHOULD BE NO CHANGE IN THE STATUS OF THE AREA, EITHER THROUGH RECOGNITION OF NORWEGIAN SOVEREIGNTY OR - "EVEN WORSE" - THROUGH THE ESTABLISHMENT OF A "NORWEGIAN/SOVIET CONDOMINIUM". FAIRWEATHER POINTED OUT THAT, FOR THE MOMENT, THE EC IS SIMPLY AIMING TO ENSURE THAT THE NORWEGIANS RECOGNIZE THAT THE COMMUNITY DOES NOT ACCEPT THEIR INTERPRETATION OF THE STATUS OF SVALBARD. FAIRWEATHER CONFIRMED THAT

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NORWEGIANS HAVE SOUGHT TO LINK SIZE OF OVERALL EC QUOTA IN NORWEGIAN WATERS PROPER WITH A CEILING ON EC CATCHES IN SVALBARD FPZ. HE INDICATED THAT THE EC HAS REJECTED THIS LINKAGE BUT ACKNOWLEDGED THAT THE COMMUNITY POSITION IS NOT PARTICULARLY STRONG, SINCE THE NORWEGIANS CAN SIMPLY CUT QUOTA OFFERS IN THEIR OWN WATERS. FAIRWEATHER ALSO SAID THAT EC OBJECTS TO GON INSISTENCE THAT DIVISION LINE BETWEEN NORWEGIAN AND SVALBARD ZONES SHOULD NOT BE EQUIDISTANT, BUT SHOULD BE DRAWN 200 MILES FROM THE NORWEGIAN COASTS (ACCORDING TO FAIRWEATHER, APPROXIMATELY 140 MILES FROM THE SVALBARD COAST), THEREBY INCREASING THE AMOUNT OF WATER UNDER DIRECT NORWEGIAN JURISDICTION.

4. FAIRWEATHER ALSO SAID THAT, DURING THE MOST RECENT ROUND OF TALKS, THE NORWEGIANS "UNOFFICIALLY" INDICATED THAT THEY WOULD SOON INTRODUCE NON-DISCRIMINATORY CONSERVATION MEASURES FOR THE SVALBARD FPZ. FAIRWEATHER SAID THAT THE EC COULD ACCEPT SUCH MEASURES ONLY IF THEY WERE COMPLETELY NON-DISCRIMINATORY AND DID NOT HAVE THE EFFECT OF SQUEEZING THE EC, AND NOT NORWAY, OUT OF THE SVALBARD ZONE. HE POINTED OUT THAT, IN PRACTICE, SUCH MEASURES WOULD INEVITABLY BE DISCRIMINATORY, EVEN IF

FISHING ACTIVITY BY ALL PARTIES WERE REDUCED ACROSS THE BOARD, SINCE NORWAY AND THE SOVIET UNION CAN ADJUST BY TAKING LARGER CATCHES IN THEIR OWN, ADJACENT ZONES, AND NO OTHER COUNTRY CAN DO THE SAME IN THAT REGION. FAIRWEATHER EMPHASIZED THAT HE WAS RELUCTANT TO OFFER ANY DEFINITIVE PRONOUNCEMENTS ON THE SVALBARD ISSUE, SINCE ALL THE QUESTIONS INVOLVE COMPLEX AND TRICKY LEGAL POINTS.

5. PERHAPS REFLECTING INTERNAL EC UNCERTAINTY OVER HOW TO DEAL WITH SVALBARD QUESTION, FARNELL CONTRADICTED FAIRWEATHER ON POINT CONCERNING UNILATERAL NORWEGIAN CONSERVATION MEASURES IN SVALBARD FPZ. FARNELL TOLD MISSION

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USEEC

OFFICER THAT THE COMMUNITY IS STILL NOT SURE WHETHER IT
COULD ACCEPT UNILATERAL NORWEGIAN CONSERVATION MEASURES

AFFECTING SVALBARD OR WHETHER SUCH MEASURES WOULD HAVE
TO BE TAKEN BY DECISION OF ALL TREATY SIGNATORIES. HE
CONFIRMED THAT THE EC REFUSED TO INCLUDE MENTION OF
SVALBARD IN THE DRAFT FRAMEWORK AGREEMENT OR QUOTA
AGREEMENT WITH NORWAY, SINCE SUCH A REFERENCE MIGHT HAVE
BEEN ERRONEOUSLY, OR DELIBERATELY, CONSTRUED (BY NORWAY)
AS TACIT RECOGNITION OF NORWEGIAN SOVEREIGNTY OVER THE
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AREA, WHICH, FARNELL EMPHASIZED, IS NOT THE CASE.
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